

AN ORDINANCE REPEALING CHAPTER 20, "SOLID WASTE," OF THE
BLACKSBURG TOWN CODE AND ADOPTING A NEW SOLID WASTE CHAPTER

BE IT ORDAINED by the Council of the Town of Blacksburg that:

1. Chapter 20, "Solid Waste," Blacksburg Town Code (1998), as amended, is
hereby repealed.

2. The Blacksburg Town Code (1998), as amended, is amended and
reordained by the addition of new Chapter 20, Solid Waste, as follows:

ARTICLE I. ADMINISTRATION AND DEFINITIONS

Section 20-100. Definitions.

“Accessory apartment” shall have the same meaning as defined in the Town Zoning Ordinance, Appendix A of the Town Code.

“Apartment or condominium complex” shall mean a building or portion thereof which contains three or more dwelling units for permanent occupancy. This term shall have the same meaning as a “multi-family dwelling” in the Zoning Ordinance, Appendix A of the Town Code.

“Business” means a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction.

“Bulky rubbish” is nonputrescible solid waste consisting of combustible or noncombustible waste materials from dwelling units, which are either too large or too heavy to be safely and conveniently loaded in the standard solid waste container. Bulky rubbish shall not include unacceptable waste.

“Brush” shall mean tree or bush limbs or trunks six inches or less in diameter and seven feet or less in length.

“Dusk” shall mean the time just before sunset on any given day, when the sky is darkening, but not yet completely dark. Twilight is another good description of this time of day.

“Front building line” shall have the same meaning as defined in the Town Zoning Ordinance, Appendix A of the Town Code.

“Industry” means a business defined as light, medium, or heavy industry, under the terms of the Town Zoning Ordinance, Appendix A to the Town Code.

“Residential solid waste” shall mean solid waste resulting from the maintenance and operation of a dwelling unit or units. This term does not include unacceptable waste.

“Single family dwelling,” shall have the same meaning as defined in the Town Zoning Ordinance, Appendix A to the Town Code.

“Solid waste” or “trash” shall mean any garbage, refuse, and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities, but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the Virginia State Water Control Board, (iii) hazardous waste, as that term is defined in Virginia Code section 10.1-1400, or (iv) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

“Trash corral” shall mean a structure built for the purpose of containing one or more trash containers, out of doors, as a storage area between weekly trash collection, or as a storage area for collection day.

“Two-family dwelling” shall have the same meaning as defined in the Town Zoning Ordinance, Appendix A to the Town Code.

“Unacceptable waste” shall include, without limitation, any regulated quantity of a Hazardous Waste or Hazardous Substance as defined by federal, state or local laws or regulations; containerized wastes, the contents of which are not able to be identified; sludges; waste from a pollution control process or cleanup of a spill of a chemical substance or commercial product; any dead animal or animal part; biohazards or regulated medical waste; friable asbestos, construction and demolition waste, soil, sod, tree stumps, paint, motor oil, or any item too large or heavy to be loaded into the standard cart without assistance. Unacceptable wastes shall include car batteries.

Section 20-101. [Reserved]

Section 20-102. General requirements for vehicles transporting solid waste.

All vehicles used for the transportation of solid waste shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. Every such vehicle shall be constructed with a watertight body and with a cover which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure the vehicle in transporting solid waste, or as an alternative, the entire body thereof shall be enclosed, with only the loading hopper exposed. No solid waste shall be transported in the loading hopper.

Section 20-103. Interference with collection equipment or collectors.

It shall be unlawful and a Class 4 misdemeanor for any person to interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collector shall be those of the Town or those of a solid waste collection agency operating under contract with the Town.

Sections 20-104. Termination of collection service to vacant premises.

The collection of solid waste and the service charge there for shall be terminated upon presentation of satisfactory proof to the director of finance that any dwelling unit or other establishment is unoccupied for a minimum period of one hundred twenty days, and they shall be recommenced upon renewed occupancy thereof.

Section 20-105 through 20 - 119. [Reserved]

Section 20-120. Residential Solid Waste Fees .

- (a) There is hereby imposed, for the collection, recycling, and disposal of solid waste, for the payment of the Montgomery County Regional Solid Waste Authority tipping fee, and for the improvement of the general public health and environment, a solid waste collection service charge for each dwelling unit generating residential solid waste and required by section 20-200 to participate in curbside collection.
- (b) The service charge for collection of residential solid waste (including brush collection and recycling) shall be fifteen dollars and sixty-four cents (\$15.64) per calendar month, per container.
- (c) There is no fee for the delivery of the original solid waste container issued to each customer.
- (d) The fee for a lost, defaced, or destroyed container shall be \$87.00.
- (e) After January 1, 2003, there shall be a delivery fee of \$20.00 for delivery of a substitute standard container, after the delivery of the initial container to the residence.

Section 20-121. Bulky rubbish (“special collection”) fee.

There is hereby established a fee of twenty dollars (\$20.00) plus the applicable tipping fee for each load or part of a load of bulky rubbish collected by the Town at the request of a residential solid waste customer.

Section 20-122 through 20- 129. [Reserved]

Section 20-130. Violations of chapter.

Unless otherwise specifically provided, any person violating any of the provisions of this chapter shall be guilty of a Class 3 misdemeanor.

Section 20-131. Inspections to enforce chapter; notice of and order to correct violations.

(a) In order to ensure compliance with the laws of this state, this chapter, and rules and regulations authorized herein, the Town Manager is authorized to inspect all phases of solid waste management within the Town. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal a violation of this chapter, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the state, the Town Manager shall issue notice for each such violation stating therein the violation found and ordering the correction of such violation within a specified time.

(b) Any person aggrieved by any notice of violation or order issued pursuant thereto may, within ten days of the date of the notice, appeal directly to the Town Manager in writing, setting forth, in a concise statement, the act being appealed and the grounds for its reversal.

Section 20-132 – 20-139. Reserved.

Section 20-140. Private solid waste collection.

All occupants of real property located within the Town, for whom residential solid waste collection services are not provided by the Town, shall contract privately for the safe, legal, and timely collection and disposal of their solid waste.

Section 20-141. Containers.

All solid waste containers placed for private trash collection shall be covered with a tight-fitting lid, and shall be screened per the requirements of the Town Zoning Ordinance, Appendix A of the Town Code, section 5330.

Section 20-142. Solid Waste and Recycling Reports.

(a) Each occupant of real property who contracts privately for solid waste collection and disposal (including the owner or unit owners' association of each apartment or condominium complex,) shall report to the Town, on forms provided by the Town Manager, information to include but not limited to, the following:

- (1) Name and address of reporting party;

- (2) Volume or weight of materials collected for recycling;
- (3) Total quantity recycled;
- (4) Total solid waste collected, excluding amount recycled.
- (5) Number of units
- (6) Total number of residents

(b) The reports required by this section shall be submitted on a standard quarterly basis, within 30 days of the close of the previous quarter.

ARTICLE II. RESIDENTIAL SOLID WASTE

Section 20-200. Curbside collection.

- (a) Any resident of a single family dwelling, two-family dwelling, or accessory apartment, or any multi-family dwelling containing four or fewer units, located on a lot which abuts a public or private right of way within the Town shall participate in the curbside collection program.
- (b) Each dwelling unit shall have at least one container for curbside collection.

Section 20-201. Residential solid waste to be collected.

The town shall provide for weekly curbside collection of residential solid waste within the town. The town may provide the collection service by contracting with a person or political subdivision or a combination thereof, for the entire town or for portions thereof. The Town Manager may develop such rules and regulations, supplementary to the provisions herein, as may be reasonable or necessary for the curbside collection program. Any such rules or regulations shall be on file with the Town Clerk.

Section 20-202. Weight limit for containers.

The weight limit for each ninety-six gallon container shall be 300 pounds.

Section 20-203. Placement for collection.

- (a) All residential solid waste from premises to which collection services are provided by the town shall be placed at the curb or edge of the street or alley for collection, unless the residents of the dwelling unit have been exempted from such requirement under subsection (d), below.

(b) All residential solid waste placed for collection shall be in the standard container provided by the Town. No waste outside the standard container or containers will be collected through the weekly curbside collection program.

(c) Solid waste containers shall be placed at the curb or edge of the street or alley no earlier than dusk on the day before collection day and no later than 7:00 a.m. on the day of collection. They shall be removed from the curb or edge of the street or alley no later than 7:00 p.m. on the regularly scheduled collection day.

(d) The Town Manager may exempt the residents of any dwelling from the placement requirements of this section upon the filing of an application stating that the residents are sixty-five (65) years of age or older and unable to place waste at the curb, or are disabled by a medically determinable physical or mental impairment which would render the residents unable to place such waste at the curb or edge of the street or alley, with documentation as appropriate.

(e) On or after July 1, 2002, no person shall construct a trash corral in front of the front building line. Any trash corral in existence on or after July 1, 2002, which is not behind the front building line, must be removed from the property or relocated to comply with this section no later than July 1, 2005.

Section 20-204. Containers.

(a) The Town or its waste hauler shall issue each customer one standard garbage container of ninety-six gallons. At the customer's option, a sixty-four or thirty-five gallon container will be issued. The standard container shall remain the property of the Town, and shall remain at the property when the customer moves.

(b) Solid waste containers shall be kept covered at all times except when depositing waste therein or removing the contents thereof.

(c) It shall be the duty of the resident of every dwelling unit to maintain such containers in good repair at all times, and to maintain such containers and the area surrounding them in a clean, neat and sanitary condition.

Section 20-205. Entry upon private property for collection.

Solid waste collectors employed by the Town or under contract with the Town are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

Section 20-206. Ownership after collection.

All residential solid waste (but not unacceptable waste) collected for disposal shall become the property of the Town.

Section 20-207. Storage of solid waste containers.

After 7:00 p.m. on the regularly scheduled collection day, until dusk on the day before collection day, all solid waste containers shall be stored on the property, behind the front building line of the residence or principal structure.

Section 20-208. Unacceptable wastes.

Solid waste customers shall not place “unacceptable wastes” in the container for collection.

Section 20-209. Unlawful use of another’s waste container.

It shall be unlawful for any person to deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container, or with the intent of avoiding payment of the service charge provided in this chapter for residential solid waste collection and disposal.

Section 20-210 - 219. Reserved.

Section 20-220. Brush collection.

- (a) The Town may provide monthly brush collection services for all curbside collection customers. Brush must be placed at the curb or edge of the street or alley before 7:00 a.m. the Monday of the scheduled pick up date.
- (b) No bagged or boxed brush, pressure treated lumber, loose leaves or other yard waste shall be accepted for brush collection.
- (c) The Town may limit collection to one dump truck load of brush per address per collection cycle.

Section 20-221. Bulky rubbish collection.

- (a) A residential solid waste customer’s bulky rubbish may be collected by Town crews as available.
- (b) The customer may make a request for bulky rubbish collection (“special collection”) to the Director of Public Works, who shall establish a procedure, rules, and timetable for collecting bulky rubbish.

(c) Bulky rubbish service is not available to any person who has received a current written notice of violation under Chapter 14, Article II, “Weed and Trash Abatement,” of this Code.

ARTICLE IV. RECYCLING

Section 20-400. Purpose.

The Town's recycling program is established for the purpose of reducing the residential solid waste stream and the associated costs of solid waste disposal, conserving landfill space, and conserving natural resources.

Section 20-401. Town Manager to establish program.

The Town Manager shall create and implement a recycling program for Town residential refuse customers. The program shall be designed to comply with state law requirements and guidelines. The program may set forth rules for the types of recyclables to be collected, the frequency of collection, the day of collection, separation requirements, and any other provisions which are necessary or reasonable for the implementation of the program.

Section 20-402. Voluntary residential program.

- (a) All Town residential refuse customers may participate in the town-wide residential recycling program by (1) collecting all of their recyclable materials, and (2) placing appropriate materials in recycling containers at curbside by 7:00 a.m. on the designated day for collection of those materials or (3) bringing appropriate recyclable materials to a Town or County recycling drop-off site.
- (b) The recycling container shall be the standard bin issued by the Town.
- (c) No customer shall place his or her recycling container at the designated curbside point of collection earlier than dusk on the day preceding the scheduled collection. Each customer shall remove his or her container from the curbside or other collection spot to behind the front building line as soon as practical after the container has been emptied, but in no case later than 7:00 p.m. the day of collection.
- (d) Once a customer places recyclable materials in a recycling container at a designated curbside collection point, title to those materials shall be deemed to be vested in the town or its designated agent. No person shall remove, take, collect or transport any recyclable material that has been placed in a recycling container from any curbside, street right-of-way, alley or other designated collection point without the express authority of the Town.
- (e) No person shall use recycling containers for anything but participation in the town's curbside recycling program. No person may place garbage or other refuse in a recycling container. It shall be unlawful for any person to borrow, steal, damage or otherwise remove any recycling container from use in the curbside recycling program.
- (f) The standard blue curbside recycling container is the property of the Town, and shall remain at the residence when the resident moves.

Section 20-403. Apartment recycling.

Owners, or unit owners' associations in the case of condominiums, of each apartment or condominium complex shall provide, either through contract with the Town or under private contract, for a recycling program for their tenants or owners. This program shall provide for the collection of the same recyclable materials as the Town's recycling program (curbside and centralized collection) and shall offer to the tenants or residents a centralized and organized means to collect and dispose of recyclable materials. The program shall include onsite recycling facilities, their safe and sanitary maintenance, and periodic collection and lawful disposal of recyclable materials.

Section 20-404. Recycling in the Downtown District.

The Town Manager is authorized to establish a recycling program for residences and businesses within the Downtown district, including the types of waste to be accepted for recycling, the location of recycling collection facilities, and the time and frequency of collection.

3. This ordinance shall be effective on and after the date of its adoption.

Mayor

ATTEST:

Town Clerk

1st Reading: _____

2nd Reading & Adoption: _____